

SENATE BILL No. 275

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-1-1.5.

Synopsis: Railroad health and safety inspections. Authorizes the department of transportation to perform health and safety inspections along railroad rights-of-way, in rail yards, in terminals, at rail loading and unloading facilities, and on trains if allowed under federal law. Allows the department to order the improvement or removal of a dangerous condition or an unhealthy condition on property owned or operated by a railroad. Provides a schedule of fines to be recovered in an action brought by the attorney general for violations of railroad health or safety conditions.

Effective: July 1, 2002.

Alting

January 7, 2002, read first time and referred to Committee on Transportation and Interstate Cooperation.

C
o
p
y



Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 275

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 1.5. (a) This section does not apply to the extent that**
4 **it violates or is preempted by federal law.**

5 **(b) The department may inspect railroads and the conditions**
6 **existing on all trains operating within Indiana, including areas that**
7 **are:**

- 8 (1) along rail rights-of-way;
9 (2) in rail yards;
10 (3) in terminals; and
11 (4) at rail loading and unloading facilities connected to
12 property owned or operated by a railroad, except for those
13 areas of loading and unloading facilities that do not require
14 access for service by Class I railroads as classified under
15 49 CRF 1201 Subpart A, General Instructions 1-1.

16 **The inspection shall be conducted to assure the safety, health, and**
17 **comfort of rail customers, the general public, and rail employees**

2002

IN 275—LS 7092/DI 96+



C
o
p
y

1 and to abate and remove dangerous or unhealthy conditions found
2 to exist in those locations.

3 (c) The department shall order:

4 (1) the abatement and removal of a dangerous condition or an
5 unhealthy condition; or

6 (2) improvements to be made to remedy the dangerous or
7 unhealthy condition;

8 or both, by the railroad if the condition is shown to be dangerous
9 to the safety or health of railroad customers, the general public, or
10 the employees.

11 (d) A railroad operating in Indiana that willfully violates this
12 section is liable to the department for one (1) of the following
13 penalties:

14 (1) For the first violation, a penalty of at least one hundred
15 dollars (\$100) and not more than five hundred dollars (\$500).

16 (2) For a second violation that occurs not later than three (3)
17 years after the first violation, a penalty of at least five
18 hundred dollars (\$500) and not more than one thousand
19 dollars (\$1,000).

20 (3) For a third violation that occurs not later than three (3)
21 years after the first violation, a penalty of at least one
22 thousand dollars (\$1,000) and not more than five thousand
23 dollars (\$5,000).

24 (4) For a fourth violation that occurs not later than three (3)
25 years after the first violation, a penalty of at least five
26 thousand dollars (\$5,000) and not more than ten thousand
27 dollars (\$10,000).

28 This section shall be enforced by the attorney general in a county
29 through which the railroad operates.

30 (e) The department may adopt rules under IC 4-22-2 to carry
31 out this chapter.

C
o
p
y

